

401 KAR 63:010. Fugitive emissions.

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: KRS 224.10-100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the control of fugitive emissions.

Section 1. Applicability. The provisions of this administrative regulation are applicable to each affected facility as defined in Section 2 of this administrative regulation.

Section 2. Definitions. Terms used in this administrative regulation not defined herein shall have the meaning given to them in 401 KAR 50:010.

(1) "Affected facility" means an apparatus, operation, or road which emits or may emit fugitive emissions provided that the fugitive emissions from such facility are not elsewhere subject to an opacity standard within the administrative regulations of the Division for Air Quality.

(2) "Fugitive emissions" means the emissions of any air contaminant into the open air other than from a stack or air pollution control equipment exhaust.

(3) "Open air" means the air outside buildings, structures, and equipment.

(4) "Classification date" means the effective date of this administrative regulation.

Section 3. Standards for Fugitive Emissions. (1) No person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;

(c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations;

(d) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;

(e) The maintenance of paved roadways in a clean condition;

(f) The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

(2) No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

(3) When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

(4) The provisions of this administrative regulation shall not apply to agricultural practices, such as

tilling of land or application of fertilizers, which take place on a farm.

Section 4. Additional Requirements. In addition to the requirements of Section 3 of this administrative regulation, the following shall apply:

(1) At all times when in motion, open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered.

(2) Agricultural practices, such as tilling of land or application of fertilizers, which take place on a farm shall be conducted in such a manner as to not create a nuisance to others residing in the area. Agricultural practices are not subject to the opacity standard.

(3) The provisions of Section 3(1) and (2) of this administrative regulation shall not be applicable to temporary blasting or construction operations.

(4) No one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. (5 Ky.R. 511; Am. 6 Ky.R. 50; eff. 6-29-1979; TAm eff. 8-9-2007.)